

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**VINCENT E. HARRELL,**

Plaintiff,

**-vs-**

**Case No. 16-CV-694**

**LT. ARTUS, et al.,**

Defendants.

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**ORDER**

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Vincent E. Harrell, a Wisconsin state prisoner, filed a *pro se* action under 42 U.S.C. § 1983, alleging his civil rights were violated. This matter is before the Court on the plaintiff's motion requesting that he be allowed to pay either the initial partial filing fee or the full filing fee using funds in his release account. (ECF No. 7.)

The Prison Litigation Reform Act (PLRA) requires the Court to collect the filing fee from a "prisoner's account." 28 U.S.C. § 1915(b). The term "prisoner's account" encompasses both a prisoner's release account and general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, "given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the Court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the

PLRA.” *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the Court may allow a plaintiff to pay a filing fee, or a portion thereof, out of his release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

On June 16, 2016, the Court ordered the plaintiff to pay an initial partial filing fee of \$81.58. The plaintiff states that he does not have adequate funds in his regular account to pay the fee; however, he currently has \$492.25 in his release account. The plaintiff asks that he be allowed to pay either the initial partial filing fee or the full filing fee of \$350 using funds in his release account.

The Court will grant the plaintiff’s request that he be allowed to pay the initial partial filing fee of \$81.58 from his release account. However, given the purpose of the release account, the Court does not believe it is prudent to allow him to significantly deplete that account by paying the full filing fee using those funds. Once the Court receives the initial partial filing fee from the plaintiff’s institution, it will screen the plaintiff’s complaint and enter an order allowing the plaintiff to pay the remainder of the filing fee over time.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT** that the plaintiff's request to pay the initial partial filing fee from his release account (ECF No. 7) is **GRANTED**.

**IT IS ALSO ORDERED** that the warden at Redgranite Correctional Institution shall withdraw \$81.58 from the plaintiff's release account and forward that sum to the Clerk of this Court as payment for the initial partial filing fee in this action. Such payment is to be made by **July 25, 2016**.

**IT IS FURTHER ORDERED** that a copy of this order be sent to the warden of Redgranite Correctional Institution.

Dated at Milwaukee, Wisconsin, this 27th day of June, 2016.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**